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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,616	12/11/2003	Rami C. Levy	CE11336JI212	8536

7590 02/09/2006

EXAMINER
CASCA, FRED A

ART UNIT	PAPER NUMBER
2687	

DATE MAILED: 02/09/2006

Larry G. Brown
Motorola, Inc.
Law Department
8000 West Sunrise Boulevard
Fort Lauderdale, FL 33322

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/733,616	LEVY ET AL.	
	Examiner	Art Unit	
	Fred A. Casca	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on November 30, 2005. Claims 1-22 are still pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (U.S. Pub. No. 2003/0013456 A1), in view of Ahlenius et al (U.S. Patent No. 5,859,839)

Referring to claim 1, Bates discloses a method of providing information about a communications device (Abstract and paragraph 0006, "method, apparatus and system for notifying a user"), comprising the steps of establishing a communications connection between a first mobile communications unit and at least a second mobile communications unit (Figs. 1-2, and paragraphs 0006-0009, note that the two wireless devices 102A and 102B are set up for establishing a communication connection), transmitting from the first mobile communications unit to the second mobile communications unit a condition of at least one operational parameter of the first mobile communications unit (paragraph 0006, note that the location of the mobile terminals are determined for each other and transmitted), and informing a user of the second mobile communications unit of the

conditions of the operational parameters of the first mobile communications unit (paragraph 0006, note the user is notified about the other user's location. Further note that information about the location of the first mobile terminal is automatically sent to the second mobile station through the base station and other network switches).

Bates does not specifically disclose the condition of the operational parameter provides an indication as to the ability of the first mobile communication unit to maintain the communications connection with the second communications unit.

In the same field of endeavor, Ahlenius discloses condition of the operational parameter provides an indication as to the ability of the first mobile communication unit to maintain the communications connection with the second communications unit (abstract, col. 1, line 25- col. 2, line 55, "pilot-channel powers", "geographic area", "selecting a power of the first and second RF channels includes defining a plurality of point within the geographic area", "selecting an initial power", note that condition of the operational parameter provides an indication as to the ability of the first and second mobile communication units to communicate. Further note that these parameters are indicated as power signals and geographic locations).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates by incorporating the teachings of Ahlenius by providing condition of the operational parameters to provide an indication as to the ability of the first mobile communication unit to maintain the communications connection with the second communications unit, as suggested by Ahlenius, motivation being for the purpose of allowing users to know ahead of time if their communication will be maintained.

Referring to claim 2, the combination of Bates/Ahlenius discloses the method according to claim 1, and further disclose the steps of transmitting from the second mobile communications unit to the first mobile communications unit a condition of at least one operational parameter of the second mobile communications unit; and informing a user of the first mobile communications unit of the conditions of the operational parameters of the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027, note that information about the location of the second mobile terminal is automatically sent to the first mobile station through the base station and other network switches).

Referring to claim 3, the combination of Bates/Ahlenius discloses the method according to claim 1, and further disclose the operational parameters of the first mobile communications unit are a signal strength, a battery level, a location, an audio configuration, an alert configuration, a conference indicator or a phone type indicator (Bates, paragraphs 0006 and 0026-0027).

Referring to claim 4, the combination of Bates/Ahlenius discloses the method according to claim 1, and further disclose transmitting step comprises the step of selectively transmitting from the first mobile communications unit to the second mobile communications unit the conditions of the operational parameters of the first mobile communications unit such that the conditions of only selected operational parameters of

the first mobile communications unit are transmitted to the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027).

Referring to claim 5, the combination of Bates/Ahlenius discloses the method according to claim 4, and further disclose establishing step comprises the step of establishing the communications connection between the first mobile communications unit, the second mobile communications unit and a network, wherein the network selects the operational parameters whose condition is transmitted to the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027).

Referring to claim 12, Bates discloses a system for providing information about a communications device (Abstract and paragraph 0006, "method, apparatus and system for notifying a user"), comprising a first mobile communications unit having at least one operational parameter, and a second mobile communications unit (Abstract and paragraphs 0006-0008, note that there are two mobile stations and their location is the considered operational parameter), wherein a communications connection is established between the first and second mobile communications units (Figs. 1-2, and paragraphs 0006-0009, note that the two wireless devices 102A and 102B are set up for establishing a communication connection) and at least one condition of the operational parameters of the first mobile communications unit is transmitted from the first mobile communications unit to the second mobile communications unit (Figs. 1-2, and paragraphs 0006-0009, note that the location of the mobile terminals are determined for each other and transmitted), wherein the second mobile communications unit has a user interface for

informing a user of the second mobile communications unit of the conditions of the operational parameters of the first mobile communications unit (paragraph 0006, note the user is notified about the other user's location, hence there is a user interface for the second mobile unit in order receive notification messages).

Bates does not specifically disclose the condition of the operational parameter provides an indication as to the ability of the first mobile communication unit to maintain the communications connection with the second communications unit.

In the same field of endeavor, Ahlenius discloses condition of the operational parameter provides an indication as to the ability of the first mobile communication unit to maintain the communications connection with the second communications unit (abstract, col. 1, line 25- col. 2, line 55, "pilot-channel powers", "geographic area", "selecting a power of the first and second RF channels includes defining a plurality of point within the geographic area", "selecting an initial power", note that condition of the operational parameter provides an indication as to the ability of the first and second mobile communication units to communicate. Further note that these parameters are indicated as power signals and geographic locations).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates by incorporating the teachings of Ahlenius by providing condition of the operational parameters to provide an indication as to the ability of the first mobile communication unit to maintain the communications connection with the second communications unit, as suggested by Ahlenius, motivation being for the purpose of allowing users to know ahead of time if their communication will be maintained.

Referring to claim 13, the combination of Bates/Ahlenius discloses the system according to claim 12, and further disclose the first mobile communications unit has a user interface and the second mobile communications unit has at least one operational parameter, wherein a condition of the operational parameters of the second mobile communications unit is transmitted from the second mobile communications unit to the first mobile communications unit, wherein the first mobile communications unit through the first mobile communications unit user interface informs a user of the first mobile communications unit of the conditions of the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027, note that information about the location of the second mobile terminal is automatically sent to the first mobile station through the base station and other network switches).

Referring to claim 14, the combination of Bates/Ahlenius discloses the system according to claim 12, and further disclose the operational parameters of the first mobile communications unit are a signal strength, a battery level, a location, an audio configuration, an alert configuration, a conference indicator or a phone type indicator (paragraphs 0006 and 0026-0027).

Referring to claim 15, the combination of Bates/Ahlenius discloses the system according to claim 12, and further disclose the conditions of the operational parameters of the first mobile communications unit are selectively transmitted from the first mobile communications unit to the second mobile communications unit such that the conditions

of only selected operational parameters of the first mobile communications unit are transmitted to the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027).

Referring to claim 16, the combination of Bates/Ahlenius discloses the system according to claim 15, and further disclose a communications network, wherein the communication network selects the operational parameters whose condition is transmitted to the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027).

4. Claims 11 and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (U.S. Pub. No. 2003/0013456 A1), in view of Ahlenius et al (U.S. Patent No. 5,859,839), and further in view of Collier et al (U.S. Pub. No. 2002/0123309 A1).

Referring to claim 11, the combination of Bates/Ahlenius discloses the method of claim 1.

The combination of Bates/Ahlenius does not specifically disclose the step of modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters.

Collier discloses a method for providing a user with feed back indicative of link quality, where signal strength (RSSI) is suggested for determining link quality (Abstract, and paragraphs 0005, 0007-0009, 0016, 0022).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method Bates/Ahlenius by providing modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters, e.g., signal strength, as suggested by Collier, instead of location, motivation being to allow the users of probable connection terminations, especially during emergency connections.

Referring to claim 22, the combination of Bates/Ahlenius discloses the system according to claim 12.

The combination of Bates/Ahlenius does not disclose the conditions of the operational parameters are modified to enable the second mobile communications unit to process the conditions of the operational parameters.

Collier discloses a method for providing a user with feed back indicative of link quality, where signal strength (RSSI) is suggested for determining link quality (Abstract, and paragraphs 0005, 0007-0009, 0016, 0022).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates/Ahlenius by providing modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters, e.g., signal strength, as suggested by Collier, instead of location, motivation being to allow the users of probable connection terminations, especially during emergency connections.

5. Claim 6-10, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (U.S. Pub. No. 2003/0013456 A1), in view of Ahlenius et al (U.S. Patent No. 5,859,839), and further in view of well known prior art (MPEP 2144.03).

Referring to claim 6, the combination of Bates/Ahlenius discloses the method according to claim 4.

The combination of Bates/Ahlenius does not disclose the first mobile communications unit selects the operational parameters.

The examiner takes official notice of the fact that it is well known in the art to select the operational parameters by a processor of the mobile terminals, to select the operational parameters whose condition is transmitted to the second mobile communications unit, motivation being to be consistent with parameter transmission.

Referring to claim 7, the combination of Bates/Ahlenius discloses the method according to claim 1.

The combination of Bates/Ahlenius does not disclose the informing step comprises the step of displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to notify a user of a mobile terminal by displaying at least one icon, broadcasting at least one audio tone and vibration.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates/Ahlenius by providing other means of notification, e.g., displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit, motivation being for the purpose of providing a distinguishable notification system to get attention.

Referring to claim 8, the combination of Bates/Ahlenius discloses the method according to claim 7.

The combination of Bates/Ahlenius does not disclose the icons, the audio tones and the vibrations are distinguishable from any second icons, audio tones and vibrations that are used to display, broadcast and inform a user of a condition of operational parameters of the second mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to have distinguishable notification signals.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of of Bates/Ahlenius by providing distinguishable alerts, motivation being for the purpose of getting the user's attention.

Referring to claim 9, the combination of Bates/Ahlenius discloses the method according to claim 1.

The combination of Bates/Ahlenius does not disclose conditions of the operational parameters are transmitted over a control channel.

The examiner takes official notice of the fact that it is well known in the art to transmit non-voice signals via the control signals.

It would have been obvious to one the ordinary to modify the system of Bates/Ahlenius by providing the control signals to transmit operational parameters, motivation being to provide a better chance of transmitting those signals.

Referring to claim 10, the combination of Bates/Ahlenius discloses the method according to claim 1.

The combination of Bates/Ahlenius does not disclose the conditions of the operational parameters are transmitted at periodic interval.

The examiner takes official notice of the fact that it is well known in the art to transmit at periodic intervals.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Bates/Ahlenius by providing the conditions of the operational parameters to be transmitted at periodic intervals when the conditions of the operational parameters change from a previous transmission, motivation being to be consistent with parameter transmission.

Referring to claim 17, the combination of Bates/Ahlenius discloses the system according to claim 15.

The combination of Bates/Ahlenius does not the first mobile communications unit has a processor programmed to select the operational Parameters.

The examiner takes official notice of the fact that it is well known in the art to provide a processor to the mobile terminals.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Bates/Ahlenius by providing the processor of the terminal of Bates to be programmed to select the operational parameters whose condition is transmitted to the second mobile communications unit, motivation being to be consistent with parameter transmission.

Referring to claim 18, the combination of Bates/Ahlenius discloses the system according to claim 12.

The combination of Bates/Ahlenius does not specifically disclose the user interface is a speaker, a display, or a vibrator motor, wherein the second mobile communications unit informs the user of the second mobile communication unit of the conditions of the operational parameters of the first mobile communications unit by displaying at least one icon on the display, by broadcasting on the speaker at least one audio tone or by generating a vibration through the vibrator motor, wherein the icons, the audio tones and the vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit.

The examiner takes official notice of the fact that user interface as a speaker, a display, or a vibrator motor and informing the user of another mobile communication unit of the conditions of the operational parameters of the first mobile communications unit

by displaying at least one icon on the display, by broadcasting on the speaker at least one audio tone or by generating a vibration through the vibrator motor, wherein the icons, the audio tones and the vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit are well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates/Ahlenius by providing other means of notification, e.g., displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit, motivation being for the purpose of providing a distinguishable notification system to get attention.

Referring to claim 19, the combination of Bates/Ahlenius discloses the system according to claim 18.

The combination of Bates/Ahlenius does not disclose the icons, the audio tones and the vibrations are distinguishable from any second icons, audio tones and vibrations that are used to display, broadcast and inform a user of a condition of operational parameters of the second mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to have distinguishable notification signals.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Bates/Ahlenius by providing distinguishable alerts, motivation being for the purpose of getting the user's attention.

Referring to claim 20, the combination of Bates/Ahlenius discloses the system according to claim 12.

The combination of Bates/Ahlenius does not disclose conditions of the operational parameters are transmitted over a control channel.

The examiner takes official notice of the fact that it is well known in the art to transmit non-voice signals via the control signals.

It would have been obvious to one the ordinary to modify the system of Bates/Ahlenius by providing the control signals to transmit operational parameters, motivation being to provide a better chance of transmitting those signals.

Referring to claim 21, the combination of Bates/Ahlenius discloses the system according to claim 12.

The combination of Bates/Ahlenius does not disclose the conditions of the operational parameters are transmitted at periodic intervals.

The examiner takes official notice of the fact that it is well known in the art to transmit at periodic intervals.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates/Ahlenius by providing the conditions of the operational parameters to be transmitted at periodic intervals when the conditions of the operational parameters change from a previous transmission, motivation being to be consistent with parameter transmission.

Response to Arguments

6. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/6/05
LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER